

RONALD S. BUSHNER (SBN 98352)  
Ronald.Bushner@wilsonelser.com  
EMILY M. WEISSENBERGER (SBN 248898)  
Emily.Weissenberger@wilsonelser.com  
**WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP**  
525 Market Street, 17<sup>th</sup> Floor  
San Francisco, California 94105-2725  
Telephone: (415) 433-0990  
Facsimile: (415) 434-1370

FRED M. BLUM (SBN 101586)  
fblum@behblaw.com  
ERIN K. POPPLER (SBN 267724)  
**BASSI, EDLIN, HUIE & BLUM LLP**  
500 Washington Street, Suite 700  
San Francisco, California 94111  
Telephone: (415) 397-9006  
Facsimile: (415) 397-1339

Attorneys for Defendant  
TEXAS EASTERN OVERSEAS, INC.

PHILIP C. HUNSUCKER (SBN: 135860)  
BRIAN L. ZAGON (SBN: 142403)  
MAUREEN B. HODSON (SBN: 251990)  
MARC A. SHAPP (SBN: 266805)  
**HUNSUCKER GOODSTEIN & NELSON PC**  
3717 Mt. Diablo Blvd., Suite 200  
Lafayette, CA 94549  
Telephone: (925) 284-0840  
Facsimile: (925) 284-0870

Attorneys for Plaintiff  
AMERIPRIDE SERVICES INC.  
[Additional Attorneys Listed on Signature Page]

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

AMERIPRIDE SERVICES, INC.,	)	Case No. 2:00-CV-00113-LKK JFM
	)	(Consolidated)
Plaintiff,	)	
	)	<b>STIPULATION AND ORDER</b>
v.	)	<b>PERMITTING THE USE OF NON-</b>
	)	<b>CERTIFIED DEPOSITIONS AT TRIAL</b>
VALLEY INDUSTRIAL SERVICES, INC., a	)	
former California corporation, et al.,	)	
	)	
Defendants.	)	
	)	
AND ALL RELATED CROSS-ACTIONS.	)	
	)	

STIPULATION AND [PROPOSED] ORDER PERMITTING THE USE OF NON-CERTIFIED DEPOSITIONS AT TRIAL

1 Defendant TEXAS EASTERN OVERSEAS, INC., (“TEO”) and Plaintiff AMERIPRIDE  
2 SERVICES INC., (“AmeriPride”), by and through their respective counsel, stipulate with respect to  
3 the use of non-certified depositions at trial as follows:

4 **RECITALS**

5 1. This action was filed on January 19, 2000.

6 2. A motion to consolidate was filed this action with *Huhtamaki Foodservice, Inc v.*  
7 *AmeriPride Services, Inc.* (the “Huhtamaki Action”). (Dkt. 175-4.) The motion was granted on  
8 November 3, 2005. (Dkt. 185.)

9 3. Since the filing of this action there have been over thirty (30) depositions taken in  
10 this and the Huhtamaki Action. A large number of the depositions were taken between 2003 and  
11 2006. As a result, some of the court reporters are no longer in business or no longer have the files  
12 upon which to prepare a certified copy of the deposition and exhibits.

13 4. Further, as several parties have settled this matter the original certified transcripts  
14 have been difficult to locate.

15 5. Both AmeriPride and TEO have designated deposition testimony to be read into the  
16 record at trial.

17 6. The parties have agreed to prepare one set of depositions and designated deposition  
18 exhibits for trial.

19 **STIPULATION**

20 Based on the foregoing, AmeriPride and TEO request that the Court permit the use of non-  
21 certified deposition transcripts and deposition exhibits at trial. The deposition text and exhibits will  
22 be jointly submitted with designated testimony highlighted to distinguish the designating party.  
23 However, this stipulation does not eliminate any objection to the authenticity of the deposition  
24 previously made by the parties pursuant to the requirements of the Final Pretrial Order. The parties  
25 waive any requirements that the depositions be certified copies, originals or that exhibits be  
26 attached.

Dated: January 4, 2012

**WILSON, ELSE, MOSKOWITZ, ELDELMEN &  
DICKER LLP**

By: /s/ Emily M. Weissenberger

Ronald Bushner  
Bernard Gehlhar  
Emily M. Weissenberger  
Attorneys for  
TEXAS EASTERN OVERSEAS, INC.

BASSI, EDLIN, HUIE & BLUM LLP  
Fred M. Blum  
Erin Poppler  
Attorneys for TEXAS EASTERN OVERSEAS, INC.

Dated: January 4, 2012


**HUNSUCKER GOODSTEIN & NELSON PC**

By: /s/ Maureen B. Hodson

Philip C. Hunsucker  
Brian L. Zagon  
Maureen B. Hodson  
Marc A. Shapp  
Attorneys for AMERIPRIDE SERVICES INC.  
STOEL RIVES LLP  
Lee N. Smith  
Attorneys for AMERIPRIDE SERVICES INC.

IT IS SO ORDERED.

Dated: January 9, 2012

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT